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TO: Barbara

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COMMENTS:

Re: US Serial No. 10/688,380
US Patent Application Publication No. 20040171680

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June 16, 2005

Sent via Facsimile (703) 305-8568

Mail Stop PGPub
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Barbara:

Re: US Serial No. 10/688,380
US Patent Application Publication No. 20040171680

Thank you for returning my call regarding the above-identified application and our request for republication of the application under 37 CFR 1.221(b). As you may recall from our conversation, the above application (US Serial No. 10/688,380) was published using the wrong title and specification. Indeed, the title and specification from another one of our three cases that were filed on the same day was used when publishing US Serial No. 10/688,380. Clearly this is a material mistake under 37 CFR 1.221(b).

The three cases, which cover similar technology, were filed on October 17, 2003 and are identified as follows:

PRD-48/US Serial No. 10/688,380/US Patent Application Publication No. 20040171680;
PRD-49/US Serial No. 10/688,379/US Patent Application Publication No. 20040167211; and
PRD-50/US Serial No. 10/688,572/US Patent Application Publication No. 20040162352.

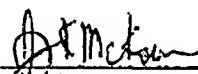
Last week while reviewing US Serial No. 10/688,380 it came to my attention that there was an error in the publication of the application. Specifically, the title and the whole specification of US Serial No. 10/688,572 were mistakenly published for both US Serial No. 10/688,380 and US Serial No. 10/688,572. The mistake is most easily identified by examining the title and the specification of the two cases. For example, the correct title for US Serial No. 10/688,380 is "SUBSTITUTED TETRALINS AND INDANES", while the correct title for US Serial No. 10/688,572 is "TREATING SYNDROME X WITH SUBSTITUTED TETRALINS AND INDANES." Similarly, the specification for US Serial No. 10/688,380 contains 39 claims directed to substituted tetralins and indanes and methods for treating or inhibiting the progression of a PPAR-alpha mediated diseases, while the specification for US Serial No. 10/688,572 contains 42 claims directed to

substituted tetralins and indanes and methods for treating or inhibiting the progression of Syndrome X with such compounds. Because the entire title and specification of US Serial No. 10/688,572 was used for publishing US Serial No. 10/688,380, this is a material mistake.

Accordingly, pursuant to the rules set forth in 37 CFR 1.221(b), we ask that you remedy this mistake and re-publish the correct specification and title for US Serial No. 10/688,380.

If you have any questions or comments regarding this letter, please feel free to contact me at your earliest convenience.

Respectfully submitted,

By: 
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Dated: 6/16/2005